

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>v.</b>	:	<b>Criminal Case No. 1:18-CR-457 (AJT)</b>
	:	
<b>BIJAN RAFIEKIAN</b>	:	
	:	
<b>and</b>	:	
	:	
<b>KAMIL EKIM ALPTEKIN,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

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**SUBMISSION OF LETTER REGARDING *GIGLIO* MATERIAL  
PURSUANT TO HEARING OF MARCH 15, 2019**

**Akin Gump**  
STRAUSS HAUER & FELD LLP

**MARK J. MACDOUGALL**  
+1 202.887.4510/fax: +1 202.887.4288  
mmacdougall@akingump.com

March 15, 2019

**VIA ELECTRONIC DELIVERY**

James P. Gillis  
John T. Gibbs  
Evan N. Turgeon  
United States Attorney's Office  
2100 Jamieson Avenue  
Alexandria, Virginia 22314

Re: *United States v. Bijan Rafiekian and Kamil Ekim Alptekin*  
Case No. 18-cr-457-AJT

Gentlemen:

We are writing in response to the Court's request at today's hearing that we identify specific false statements and bad acts relating to Michael T. Flynn that would appear to be subject to disclosure under the *Giglio* doctrine based on Mr. Flynn's plea agreement and available public sources.

1. Mr. Flynn's false statements to the FBI identified in the Statement of the Offense associated with his Plea Agreement relating to his contacts with Russia's Ambassador to the United States ("Russian Ambassador") Sergey Kislyak.
2. Mr. Flynn's reported private meeting in 2015 in the home of Russian Ambassador Sergey Kislyak and whether the fact of that contact with a foreign public official was properly reported by Mr. Flynn to the Office of Government Ethics, Defense Intelligence Agency, or any other federal government department to which Mr. Flynn was required to report.
3. Mr. Flynn's directive to a subordinate member of the Presidential Transition Team to convey false information to *The Washington Post* regarding Mr. Flynn's communications with the Russian Ambassador as reported by the Office of Special Counsel.
4. Mr. Flynn's false statements to several members of the Presidential Transition Team, Vice President-Elect Michael Pence, incoming White House Chief of Staff Reince Priebus, and incoming White House Press Secretary Sean Spicer as reported by the Office of Special Counsel.

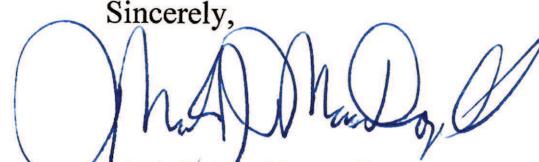
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5. Mr. Flynn's disclosure of payments in 2015 from companies linked to Russia to the Office of Government Ethics, the Defense Intelligence Agency, the Department of Defense, and any other federal government department or agency to which Mr. Flynn was required to report. Such payments include but are not limited to (1) \$45,000 from RT—the Russian government's English language TV channel, (2) \$11,250 from Kaspersky Government Security Solutions, and (3) \$11,250 from the Russian cargo airline Volga-Dnepr Airlines.
6. Mr. Flynn's failure to seek permission or approval to receive payments from foreign sources in violation of the Emoluments Clause of the United States Constitution as interpreted by the Department of Defense.
7. Mr. Flynn's conduct during his service as director of the Defense Intelligence Agency from 2012 to 2014 and the circumstances of his dismissal from that position.
8. Mr. Flynn's contacts with Russian officials, including Kirill Dmitriev, following the presidential election in 2016 and whether those contacts were disclosed to the Defense Intelligence Agency, the Department of Defense, or any other federal government department or agency to which Mr. Flynn was required to report.

This list is not intended to be an exhaustive catalogue of Mr. Flynn's false statements, bad acts, and other impeachment materials and evidence that are subject to disclosure under the *Giglio* doctrine. A copy of this letter will be filed as part of the record of the captioned case with the U.S. District Court.

Sincerely,



Mark J. MacDougall  
Stacey Mitchell

cc: Robert Trout, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 15th day of March 2019, true and genuine copies of Defendant's Letter Regarding *Giglio* was sent via electronic mail by the Court's CM/ECF system to the following:

James P. Gillis  
John T. Gibbs  
Evan N. Turgeon  
U.S. Attorney's Office (Alexandria-NA)  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Telephone: (703) 299-3700  
Email: James.p.gillis@usdoj.gov  
John.gibbs@usdoj.gov  
Evan.turgeon@usdoj.gov

/s/

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Robert P. Trout (VA Bar # 13642)